notorious, hostile and uninterrupted possession thereof for the statutory period. The municipality brought suit to regain possession of the land. *Held,* the defendants possession ripened into title by adverse possession. *Robinson* v. *Lemp* (Idaho), 161 Pac. 1024. See NOTES, p. 492.

TRIAL—READING STENOGRAPHER'S NOTES—TO REFRESH MIND OF JURY.—After the jury had retired to the jury room to consider their verdict, a dispute arose as to what had been testified to by a certain witness. The jury came into court and requested that the stenographer read the testimony of the witness from his notes taken during the trial, and the request was granted. *Held,* it is within the discretion of the trial court to grant or deny such a request, and granting it does not constitute reversible error. *Barton* v. *State* (Fla.), 73 South. 230.

It is the general rule, obtaining in a majority of jurisdictions, that the jury have the right to have certain portions of the testimony of witnesses read to them from the notes of the stenographer taken during the progress of the trial. and that it is proper for the court to grant such a request of the jury. *Green* v. *State,* 122 Ga. 169, 50 S. E. 53; *People* v. *Foy,* 138 N. Y. 664, 34 N. E. 396; *State* v. *Manning,* 75 Vt. 185, 54 Atl. 181; *State* v. *Perkins,* 143 Iowa 55, 120 N. W. 62, 21 L. R. A. (N. S.) 931. Thus, in answer to a request made by the jury, a portion of the testimony was allowed to be read by the stenographer to refresh their memory as to the evidence which was in dispute among members of the jury. *Commonwealth* v. *Bolger,* 229 Pa. 597, 79 Atl. 113; *Strickland* v. *State,* 115 Ga. 222, 41 S. E. 713. And even though the witnesses themselves might be produced, stenographer's notes are still admissible and do not constitute secondary evidence, as the stenographer is usually a sworn officer of the court. See *Freezer* v. *Sweeny,* 8 Mont. 508, 21 Pac. 20. Such a practice seems just and proper, and much better than halting the court proceedings to recall the witnesses for re-examination when their testimony is already before the court, having been taken down by the stenographer as given. *Green* v. *State, supra.* And especially is this true in states whose statute laws provide, that the stenographer's notes, translated and properly certified and filed, shall constitute a part of the record. See *State* v. *Perkins, supra.* But in all cases where the presence of the accused is necessary during the trial it would seem that the testimony of the witnesses should not be thus read to the jury in his absence. *Hill* v. *State,* 54 Tex. Crim. Rep. 646, 114 S. W. 117; *Jackson* v. *Commonwealth,* 19 Gratt. (Va.) 656. See *Hulse* v. *State,* 35 Ohio St. 421; *Wade* v. *State,* 12 Ga. 25.

But there are some courts which deny the right of the jury to have the testimony of a witness read to them after he has testified. In what is perhaps the leading case supporting the minority view, the jury's request to have the evidence of a witness read to them from the notes of the stenographer was refused, on the ground that the stenographer is not the final arbiter in case of a dispute among the jurors as to what a witness has testified. *Padgitt* v. *Moll,* 159 Mo. 143, 60 S. W. 121, 81 Am. St. Rep. 347, 52 L. R. A. 854. It is also said that to grant such a request is erroneous; because the jury thus hears that part of the tes-

timony twice, thus giving it an importance to which it is not entitled. *Hersey* v. *Tully*, 8 Colo. App. 110, 44 Pac. 854. See *Westgate* v. *Aschenbrenner*, 39 Ill. App. 263. But see *Slack* v. *Stephens*, 19 Colo. App. 538, 76 Pac. 741.

It would seem that the rule laid down in the instant case is sound; since, in the last analysis, it should rest in the sound discretion of the trial court to grant or refuse such a request of the jury. *State* v. *Rubaka*, 82 Conn. 59, 72 Atl. 566; *State* v. *Manning*, *supra*. See *Merritt* v. *New York, etc., Ry. Co.*, 164 Mass. 440, 41 N. E. 667.

TROVER AND CONVERSION—CORPORATE STOCK—REFUSAL TO TRANSFER.—The plaintiff was the owner of certain shares of stock in defendant corporation, evidenced by certificates of large denominations. She applied to defendant to have the large certificates changed into smaller ones; but the defendant refused the request, claiming title to the stock in itself. *Held*, the refusal of the defendant for such reason is an unlawful assumption of ownership, and it is liable for conversion. *Robinson Mining Co.* v. *Riepe* (Nev.), 161 Pac. 304.

Any unauthorized assumption of dominion over another's chattel in denial of his right or inconsistent therewith constitutes an act of conversion. *Hartford Ice Co.* v. *Greenwoods Co.*, 61 Conn. 166, 23 Atl. 91, 29 Am. St. Rep. 189; *Adams* v. *Mizell*, 11 Ga. 106. It is well established that certificates evidencing shares of stock in a corporation may be subjects of conversion. See *Stewart* v. *Bright*, 6 Houst. (Del.), 344; *Dagget* v. *Davis*, 53 Mich. 35, 18 N. W. 548. And, in accordance with the general trend of authorities, it is held that trover will lie for the conversion of shares of stock, as contradistinguished from the certificates representing them. *Herrick* v. *Humphrey Hdw. Co.*, 73 Neb. 809, 103 N. W. 685, 11 Ann. Cas. 201; *Chew* v. *Louchheim*, 25 C. C. A. 596, 80 Fed. 500. See *Hagar* v. *Norton*, 188 Mass. 47, 73 N. E. 1073; *Gresham* v. *Island City Sav. Bank*, 2 Tex. Civ. App. 52, 21 S. W. 556. The Pennsylvania court, however, denies this right, basing its holding on the theory that shares of stock are intangible personalty and that an incorporeal thing cannot be converted. *Sewall* v. *Lancaster Bank*, 17 S. & R. (Pa.) 285; *Neiler* v. *Kelly*, 69 Pa. St. 407. But see *Pennsylvania Co.* v. *Philadelphia, etc., R. Co.*, 153 Pa. St. 160, 25 Atl. 1043; *Sparks* v. *Hurley*, 208 Pa. 166, 57 Atl. 364. This reasoning, however, is held untenable, and the tendency is toward holding that shares of stock are to be treated as other personalty. *Kuhn* v. *McAllister*, 96 U. S. 87. Thus, since shares of stock are deemed subject to conversion, it has been held that a wrongful refusal by a corporation to transfer stock on its books is an act of dominion wrongfully exercised over another's property, and may be treated as a conversion. *Bond* v. *Mt. Hope Iron Co.*, 99 Mass. 505; *Herrick* v. *Humphrey Hdw. Co.*, *supra*.

It would seem that the holding of the principal case is sound; since the refusal to transfer the shares on the books of the corporation hampers the owner in the exercise of his right of ownership, preventing him from transferring the shares in good faith, for he knows that such a transfer is, at best, but the assignment of a cause of action.